

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

April 17, 2014



Rezoning case no. RZ 14-09: George Z. Lopez

CASE DESCRIPTION: a request to change the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1)

LOCATION: 1213 Ettle Street at the southwest corner of Ettle Street and N. Coulter Drive, approximately 280 feet south from its intersection with East William Joel Bryan Parkway

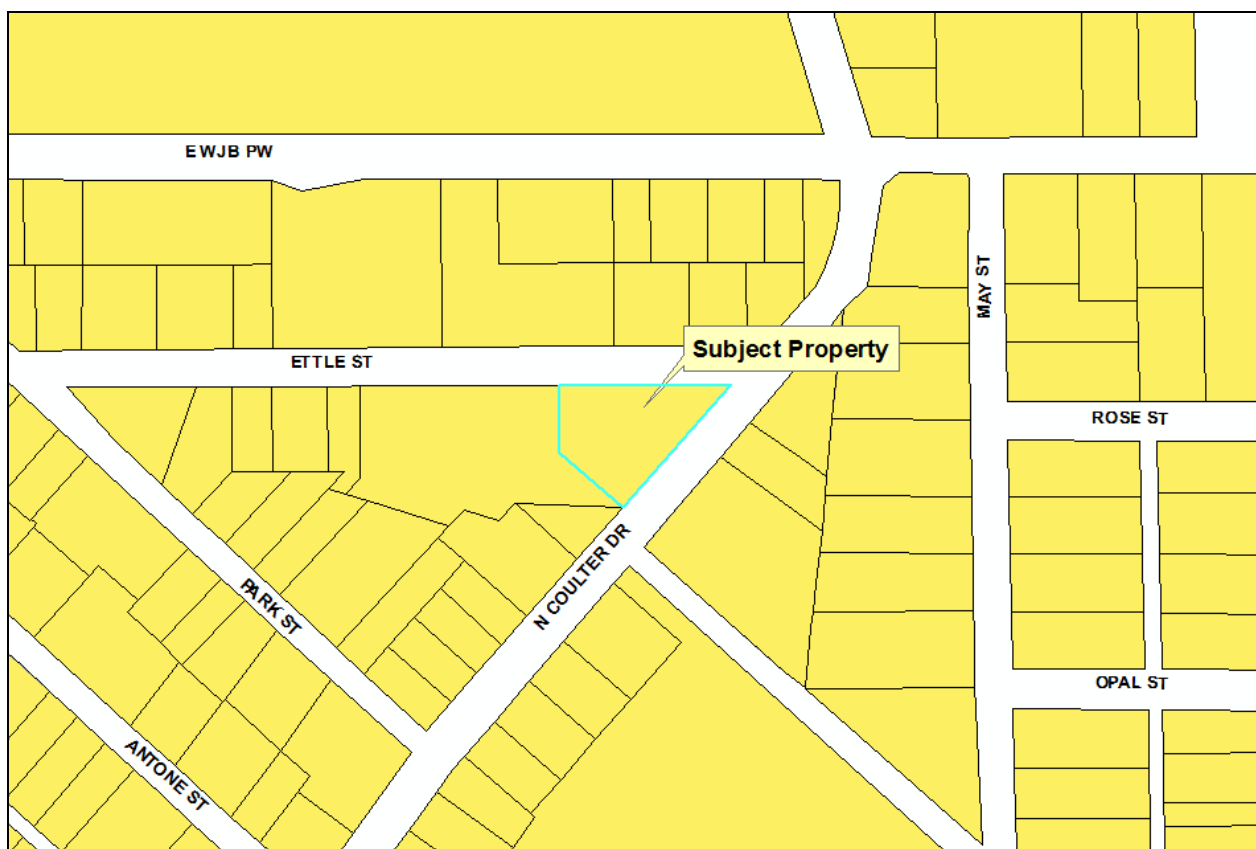
LEGAL DESCRIPTION: Lot 24, Block 2 in John F. Ettle Subdivision – Phase 2

EXISTING LAND USE: vacant lot

APPLICANT(S): George Z. Lopez

STAFF CONTACT: Randy Haynes, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this rezoning request.



AERIAL PHOTOGRAPH (2013):



VIEW SOUTHWEST FROM ETTLE STREET:



BACKGROUND:

The subject property is about 0.476 acres in size and located at 1213 Ettle Street, at its intersection with North Coulter Drive. The subject property is currently vacant and zoned Residential District – 5000 (RD-5). RD-5 zoning surrounds the subject tract in all directions with single-family residences occupying most of the lots. Property to the northeast, across Ettle Street, is occupied by a church. North Coulter Drive is classified by Bryan's Thoroughfare Plan as a major collector roadway. Briar Creek runs through the west side of the property, significantly limiting the developable area of this lot. Approximately 67% of the subject property lies within FEMA-designated floodplain for the creek.

The RD-5 zoning classification is intended provide space for detached dwelling units and is designed primarily for residential use and does not easily lend itself to other types of nonresidential uses. Typically residential districts should only access local streets. The C-1 zoning classification is established to create a flexible district for low intensity office and professional uses generally in smaller buildings. Some light intensity retail uses are also permitted. Permitted uses should be compatible with adjacent residential areas by limiting heights to two stories and utilizing buffers and landscape materials.

The owner/applicant, Mr. George Z. Lopez, proposes to operate a snow cone stand at this highly visible location near East William Joel Bryan Parkway. In the context of Bryan's Zoning Ordinance, snow cone stands are allowed in C-1 zoning districts, but only with prior approval of a Conditional Use Permit. Under the current RD-5 zoning, a snow cone stand is not allowed to locate here.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects. The plan identified a number of issues that have been, according to the committee members, an impediment to the healthy growth of the community. Among the goals supported by the policies are the development of attractive entrances and corridors and encouraging and promoting compatible infill and redevelopment in areas where these activities will benefit the city as a whole and the area specifically. One of the plan's objectives is to encourage a sustainable mix of land uses types in suitable locations, densities and patterns and to identify areas for commercial development and preserve them with appropriate zoning. North Coulter Drive is classified by the Bryan Transportation Plan as a major collector roadway. Land use policies in the comprehensive plan suggest that low-density residential land uses should access only local streets.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

The C-1 zoning classification is intended to provide opportunities for development of business, professional and financial offices. The character of commercial development allowed in C-1 Districts is purposefully intended to be of relatively low intensity, in comparison with retail activity allowed in Retail (C-2) and other nonresidential zoning districts.

Staff contends that a change of the zoning designation to C-1 is appropriate for the subject tract and consistent with land use recommendations of Bryan's Comprehensive Plan. Staff acknowledges the potential concern that the subject property is located in the middle of an established residential neighborhood. However, staff contends that the C-1 zoning district allows only low-intensity office and small-scale business uses. Should the requested zoning change to C-1 be approved, a no-development buffer area on the subject property will be applied along the west and southwest property lines where the subject property abuts a residential zoning district. Depending on the amount of landscaping provided, that buffer area will be from 15 to 25 feet wide. Unless costly land reclamation methods are employed, the width of undevelopable area imposed by the flood plain will effectively create a buffer from any development on the subject property to adjacent properties in excess of 50 feet.

Uses allowed by right within the Office District include:

- Assisted Living Facilities
- Banks
- Charitable uses
- Child care--Class B and C
- Community centers
- Fraternal organizations
- General office uses
- Medical facilities or clinics
- Museum/art galleries
- Schools
- Personal service shops
- Pharmacies

The subject property is located at a transitional location, on the periphery of a large residential subdivision and adjacent to a major thoroughfare. Staff believes that, in this particular environment, rezoning to C-1 District is appropriate, as it would allow for a useful transition in land use intensities from the busy Coulter Drive and East William Joel Bryan Parkway and church property located to the north across Ettle Street, to the residential neighborhood that extends south, east, and west from the subject property. Staff believes that new single-family residential home construction on the subject property may not be feasible or desirable adjacent to a busy major collector street.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

The subject property has direct access to water and wastewater services and lies at the intersection of North Coulter Drive and Ettle Street. North Coulter Drive is classified as a major collector street while Ettle Street is classified as a local street. Staff believes that, in this particular case, these adjoining streets can be expected to be capable of accommodating traffic loads typically associated with low-intensity office and professional uses as well as small scale retail uses potentially allowed in C-1 Districts.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

Currently, there is no other land zoned specifically for office use along this portion of North Coulter Drive between East William Joel Bryan Parkway and East 29th Street. Property zoned for commercial use exists approximately 0.5 miles from the subject tract along East William Joel Bryan Parkway. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity or elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

In the immediate area of the subject tract, residential development is at a slow pace as this neighborhood is almost completely developed. To the northeast, across E. William Joel Bryan Parkway, a retail use recently developed in a Planned Development District. Development pressure for office uses in the vicinity of the property has been light compared to other areas of the city.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

Staff finds that other areas designated for office use will be unaffected should the proposed zoning change be approved.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff is unable to identify additional factors other than those mentioned above that might affect health, safety, morals, or general welfare if this rezoning were approved.

RECOMMENDATION:

Based on all these considerations, staff recommends **approving** the requested zone change to C-1 District on the subject property.